

Robert Greene Sterne KODERT Greene Sterne Edward J. Kessler Jorge A. Goldstein David K.S. Cornwell Robert W. Esmond Tracy-Gene G. Durkin Michele A. Cimbala Michael B. Ray Robert E. Sokohl Eric K. Steffe Michael Q. Lee Steven R. Ludwig John M. Covert Linda E. Alcom Robert C. Millonig Lawrence B. Bugaisky Donald J. Featherstone Michael V. Messinger Judith U. Kim Timothy J. Shea, Jr. Patrick E. Garrett Jeffrey T. Helvey* Heidi L. Kraus Edward W. Yee Albert L. Ferro* Donald R. Banowit Peter A. Jackman Molly A. McCall Teresa U. Medler Jeffrey S. Weaver Kendrick P. Patterson Vincent L. Capuano Albert J. Fasulo II* Eldora Ellison Floyd

Virgil Lee Beaston'
Kimberly N. Reddick
Theodore A. Wood
Elizabeth J. Haanes
Bruce E. Chalker
Joseph S. Ostroff
Frank R. Cottingham
Christine M. Lhuller Christine M. Lhūlier Rae Lynn Prengaudha Jane Shershenovich* Lawrence J. Carroll* George S. Bardmesser Daniel A. Klein* Rodney G. Maze Jason D. Eisenberg Michael A. Specht* Andrea J. Kamage Tracy L. Muller*

Jon E. Wright* LuAnne M. Yuricek*

Registered Patent Agents -Karen R. Markowicz Nancy J. Leith Ann E. Summerfield Helene C. Carlson Gaby L. Longsworth Matthew J. Dowd Aaron L. Schwartz Angelique G. Uy Boris A. Matvenko Mary B. Tung Katrina Y. Pei Bryan L. Skelton Robert A. Schwartzman John J. Figueroa

Timothy A. Doyle Jennifer R. Mahalingappa Teresa A. Colella Jeffrey S. Lundgren Victoria S. Rutherford W. Brian Edge

Senior Counsel Samuel L. Fox Kenneth C. Bass III Lisa A. Dunner

*Admitted only in Maryland

*Admitted only in Virginia

*Admitted only in Texas

*Practice Limited to
Federal Agencies

January 23, 2003

WRITER'S DIRECT NUMBER: (202) 218-7835 INTERNET ADDRESS: TFIALA@SKGF.COM

Art Unit 2661

Commissioner for Patents Washington, D.C. 20231

Re:

U.S. Utility Patent Application

Appl. No. 10/087,779; Filed: March 5, 2002

For: Method, Apparatus And Computer Program Product For Performing

Data Packet Classification

Inventor(s):

Thomas L. JOHNSON et al.

Our Ref:

1875.2050000

RECEIVED

JAN 2 7 2003

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Information Disclosure Statement;
- 2. Form PTO-1449 listing **ONE** (1) document (1 page);
- 3. Copy of the ONE (1) cited document as listed on Form PTO-1449; and
- 4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Thomas C. Fiala

Attorney for Applicant Registration No. 43,610

TCF/mjg Enclosures

SKGF DC1:95418.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Thomas L. JOHNSON et al.

Appl. No. 10/087,779

Filed: March 5, 2002

For: Method, Apparatus And Computer Program Product For Performing Data

Packet Classification

Confirmation No. 8819

Art Unit: 2661

Examiner: To Be Assigned

Atty. Docket: 1875.2050000

Information Disclosure Statement RECEIVED

JAN 2 7 2003

Commissioner for Patents Washington, D.C. 20231

Technology Center 2608

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be

prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- □ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- Filing under 37 C.F.R. § 1.97((b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- □ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - □ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was

first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- □ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- □ c. Attached is our PTO-2038 Credit Card Payment Form [OR] Check No.

 _____ in the amount of \$ _____ in payment of the fee under 37

 C.F.R. § 1.17(p).
- □ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee.

 Enclosed find our Check No. ______ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
 - □ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - □ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- □ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- **□** 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- Copies of the documents were cited by or submitted to the Office in an IDS that □ 7. complies with 37 C.F.R. § 1.98(a)-(c) in Application No. ______, filed , which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Thomas C. Fiala

Attorney for Applicants

Registration No. 43,610

Suite 600

Washington, D.C. 20005-3934

(202) 371-2600 SKGF_DC1:95415.1

Page 1 of 1 ATTY. DOCKET NO.: 1875.2050000 **APPLICATION NO.: 10/087,779** FORM PTO-1449 APPLICANT: Thomas L. JOHNSON et al. JAN 2 3 2003 FORMATION DISCLOSURE STATEMENT FILING DATE: March 5, 2002 GROUP: 2661 U.S. PATENT DOCUMENTS **EXAMINER** INITIAL DOCUMENT NUMBER DATE NAME CLASS SUB-CLASS FILING DATE AA1 AB1 AC1 AD1 AE1 AF1 AG1 7 200B AH1 AI1 Technology Center 2899 AJ1 AK1 FOREIGN PATENT DOCUMENTS EXAMINER DATE INITIAL DOCUMENT NUMBER COUNTRY **CLASS** SUB-CLASS TRANSLATION Yes AL1 No Yes AM1 No Yes AN1 No Yes A01 No Yes AP1 No OTHER (Including Author, Title, Date, Pertinent Pages, etc.) Data-Over-Cable Service Interface Specifications, Radio Frequency Interface Specification, SP-AR 1 RFIv1.1-I09-020830, Cable Television Laboratories, Inc., August 30, 2002 AS 1 ΑT 1

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

DATE CONSIDERED

EXAMINER